

## A BILL

FOR AN ACT FOR THE RELIEF OF WILLIAM H. BIRKHEAD, OF DES MOINES COUNTY, SON OF JOHN S. BIRKHEAD, LATE PRIVATE IN CO. H., 1ST IOWA CAVALRY.

WHEREAS, Nancy J. Dolbee and Martha E. Dolbee, by their separate last wills and testaments, which were probated in Des Moines county in 1864 and 1865, devised to their nephew, William H. Birkhead and their niece Elizabeth P. Josephine Birkhead, minor children of John S. Birkhead, now deceased, late a private in Co. H., 1st Iowa cavalry, certain realty in Des Moines county, Iowa; the title thereof to vest in said legatees or to the survivor of them, provided that if said legatees die without issue the said realty shall be converted into money and the proceeds thereof be paid to the State Orphans' Asylum for the support and education of the orphans of soldiers of the State of Iowa; and

WHEREAS, The said Elizabeth P. Josephine Birkhead died unmarried and without issue; and,

WHEREAS, That by a legal and proper interpretation of said wills it is doubtful whether the State could take anything under said wills upon the happening of said contingency; and,

WHEREAS, The said William H. Birkhead is the sole surviving legatee, and said possible contingent interest is a cloud upon his title; therefore,

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the title of Nancy J. Dolbee and Martha E. Dolbee, had at the time of their death, so far as by their last wills and testaments the same is liable to any contingent interest to the State Orphans' Asylum for the support and education of orphans of soldiers of the State of Iowa, in and to the east half of the southeast quarter of section twenty-three, (23) and the southwest quarter of section twenty-four (24), all in township seventy-two (72), north range two (2) west, in Des Moines county, Iowa, be and the same is hereby relinquished to and vested in William H. Birkhead, son of John S. Birkhead, deceased, late a private in Co. H, 1st regiment Iowa cavalry, in the war of 1861.

SEC. 2. That this act or the right herein vested, shall not affect or interfere with the rights of third persons, legal or equitable, which may have vested or arisen under the laws, judgments or contracts heretofore in force.